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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES OF AMERICA CIVIL ACTION NO. 6:09-CR-00221-02

VERSUS JUDGE DOHERTY

MINSON JUNIUS MENARD (02) MAGISTRATE JUDGE HANNA

JUDGMENT

This matter was referred to United States Magistrate Judge Patrick J. Hanna for report and recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that

(1) Mr. Menard's motion for modification of a term of imprisonment based on retroactive amended guidelines under 18 U.S.C. 3582(c)(2) (Rec. Doc. 125) is hereby RECHARACTERIZED as a first 28 U.S.C. § 2255 motion;

(2) Mr. Menard is hereby NOTIFIED that

(a) any subsequent Section 2255 motion will be subject to the restrictions on second or successive motions; and

(b) he may withdraw his pending motion or amend it so that it contains any and all Section 2255 claims that he believes he has;

(3) Mr. Menard may, not more than thirty days from the date of this order, respond to this order;

(4) if Mr. Menard fails to respond within the allotted thirty days, this Court should construe his motion as a first 28 U.S.C. § 2255 motion; and

(5) after the expiration of the deadline for Mr. Menard to respond to this order, United States Magistrate Judge Patrick J. Hanna shall review, report, and make recommendations concerning the merits of Mr. Menard's request for resentencing, all of which is consistent with the report and recommendation.

Lafayette, Louisiana, this 23 day of March, 2015.

REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE

